

COMMITTEE AMENDMENT FORM

DATE: 11/26/08

COMMITTEE ZONING

PAGE NUM. (S)

ORDINANCE I. D. #08-O-1466-

SECTION (S)

RESOLUTION I. D. #08-R-

PARA.

AMENDS THE LEGISLATION BY ADDING FOURTEEN (14) CONDITIONS.

AMENDMENT DONE BY COUNCIL STAFF 11/26/08

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AMENDMENT DONE BY COUNCIL STAFF 11/26/08

City Council
Atlanta, Georgia

08-O-1466

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-08-51
Date Filed: 7-2-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **367 and 371 East Paces Ferry Road, N.E.**, be changed from the RG-3 (Residential General- Sector 3) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and Land Lot 61, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-08-51 for 367 & 371 E. Paces Ferry Road, N.E.

1. Except as otherwise provided in this condition 1, development will be restricted to the following maximums:

| | <u>Non-residential</u> | <u>Residential</u> |
|--------------|------------------------|--------------------|
| Parcel A | 85,000 SF | 40,000 SF |
| Parcel B | 250,000 SF | 100,000 SF |
| Parcel C | 210,000 SF | 0 SF |
| Parcel D | 325,000 SF | 264,000 SF |
| Parcel E | <u>120,000 SF</u> | <u>100,000 SF</u> |
| Total | 990,000 SF | 504,000 SF |

Subject to compliance with all other ordinances, regulations, and conditions applicable to the Parcels, (a) the above densities may be moved from Parcel to Parcel, (b) residential square footage may be exchanged for an equal amount of nonresidential square footage and (c) nonresidential square footage may be exchanged for an equal amount of residential square footage. The total aggregate development on all the Parcels shall not exceed 1,494,000 square feet. Below grade storage areas shall not be included in the calculation of the development maximums in this Condition 1.

2. Parcels A, B, C, D and E will contain an aggregate minimum of 25,000 square feet of landscaped area, including any square feet donated to the City of Atlanta or other qualified entity as park space. That figure will include a publicly accessible landscaped area of not less than 21,250 contiguous square feet on Parcel D, the control of which will remain with Applicant or another private entity.
3. Applicant will require that any hotel and residential association in the development on the site become a member of the Buckhead Area Transportation Management Association (BATMA) prior to the issuance of a certificate of occupancy for each such use. At least one level of each parking garage and parking deck shall be van pool accessible.
4. The Applicant shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta, whichever is greater, in the aggregate on Parcels A, B, C, D and E. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.
5. Permanent storm water detention shall be located below grade or will not be visible for the public right-of-way. The project, upon completion, shall release storm water runoff at a rate equal to 65% or less of the predevelopment storm water runoff rate.

6. All dumpsters will be screened from public rights-of-way.
7. Exterior lighting on buildings and parking decks shall be designed, shielded and constructed so as to minimize light spill into single-family areas.
8. Prior to the beginning of demolition of each parcel, a demolition management plan for demolition traffic will be prepared and will be delivered to the Development and Transportation Chair of NPU-B and to the Director of the Bureau of Planning for review. Likewise, prior to the beginning of construction of each parcel, a construction management plan for construction traffic will be prepared and will be delivered to the Development and Transportation Chair of NPU-B and to the Director of the Bureau of Planning for review. Specifically with regard to Parcel D, the plan for construction traffic will be coordinated with the Suzuki School (if it is then located across from Parcel D) to minimize conflicts with school traffic. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning prior to issuance of a Special Administrative Permit.
9. These conditions of zoning shall be binding upon all successors and assigns of the Applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning. The Applicant will not request any administrative amendment without providing evidence that notice of such request has been given to the Chair of the Zoning Committee of NPU-B which seeks to:
 - (a) increase the square footage of any building or the number and/or location of parking spaces; except as provided in paragraph 1;
 - (b) change any of the uses or location of said uses specified except as provided in paragraph 1;
 - (c) decrease any required exterior setback or the amount of landscaped area;
 - (d) materially reduce public access or public spaces; or
 - (e) otherwise materially alter these conditions.

The Applicant will have the right to request administrative changes without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta or to address site conditions.

10. The Applicant, with the support of NPU B, shall request and support appropriate legislation that will require that all transportation impact fees generated from this development will be used to mitigate traffic on the streets in the area surrounding the development. Evidence of compliance with these conditions shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.

11. Any public commercial dry cleaning facilities shall be a collection facility only and shall not contain dry cleaning equipment except for laundry/dry cleaning facilities within hotels and residential buildings and serving those uses.
12. The developer will use best efforts to ensure that all non-residential buildings will be constructed in a manner designed to limit environmental and energy impacts.
13. All of these narrative conditions shall be printed on the final site plan filed with the City of Atlanta.
14. Within sixty days of completion of demolition of the improvements on a Parcel, the developer shall commence development on the Parcel or plant grass on the entire Parcel as an interim measure.

City Council
Atlanta, Georgia

08-0-1466

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BY: ZONING COMMITTEE

Z-08-51
Date Filed: 7-2-08

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ALL THAT TRACT or parcel of land lying and Land Lot 61, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

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SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

EXHIBIT "A"

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 61 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the Southwesterly side of East Paces Ferry Road, 717.85 feet Easterly and Southeasterly as measured along the Southerly and Southwesterly side of East Paces Ferry Road, from the Southeast corner of East Paces Ferry Road and North Fulton Drive; thence Southwesterly along a line forming an interior angle of 81 degrees 51 minutes with the Southwesterly side of East Paces Ferry Road, a distance of 218.5 feet to an iron pin on the Northeasterly side of Buckhead Avenue; thence Southeasterly along the Northeasterly side of Buckhead Avenue, 181.75 feet to an iron pin; thence Northerly along a line forming an interior angle of 71 degrees 47 minutes with the Northeasterly side of Buckhead Avenue and along a fixed line established by a line agreement between Sims Realty Company, Walter A. Sims and B.L.E. Company, dated October, 1952, and recorded at Deed Book 2789, Page 191, Fulton County Records, a distance of 223.95 feet to an iron pin on the Southwesterly side of East Paces Ferry Road (which iron pin is at the Westernmost extremity of a wall lying along the Southern side of East Paces Ferry Road and along the property now or formerly owned by B.L.E. Company, Inc.); thence Northwesterly along the Southwesterly side of East Paces Ferry Road, 137.15 feet to the **POINT OF BEGINNING**.

The above-described property is more particularly shown and delineated on Plat of Survey for Northside Investment Co., made by E.L. Chapman, Registered Surveyor, dated November 13, 1959, which is made a part of this description by reference thereto.

Z-00-51

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EXHIBIT "A"LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 61 of the 17th District of Fulton County, Georgia, containing 0.78 acres or 34,067 square feet as shown on ALTA/ACSM Asbuilt Survey for Ardmore Investors, LLC & Chicago Title Insurance Company, prepared by McClung Surveying, Inc., Perry E. McClung, Georgia Registered Land Surveyor No. 1541, dated December 30, 1998, last revised January 7, 1999, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, start at the intersection of the northern right-of-way of Buckhead Avenue (50 foot right-of-way) and the southwestern right-of-way of East Paces Ferry Road (70 foot right-of-way); thence running southwesterly, westerly and northwesterly along the right-of-way of Buckhead Avenue a distance of 258.00 feet to an iron pin found and the TRUE POINT OF BEGINNING; from the true point of beginning as thus established, thence running northwesterly along the northeastern right-of-way of Buckhead Avenue and following the arc of a curve to the right an arc distance of 155.62 feet (said arc being subtended by a chord having a bearing of north 75 degrees 31 minutes 41 seconds west, a chord distance of 155.37 feet and a radius of 797.80 feet) to an iron pin found; thence leaving the northeastern right-of-way of Buckhead Avenue and running north 00 degrees 04 minutes 45 seconds east a distance of 223.13 feet to an iron pin found located on the southwestern right-of-way of East Paces Ferry Road (70 foot right-of-way); thence running south 71 degrees 15 minutes 10 seconds east along the southwestern right-of-way of East Paces Ferry Road a distance of 169.00 feet to a flagged fence post (said fence post being on the property corner); thence leaving the southwestern right-of-way of East Paces Ferry Road and running south 02 degrees 43 minutes 49 seconds west a distance of 207.88 feet to an iron pin found located on the northeastern right-of-way of Buckhead Avenue and THE TRUE POINT OF BEGINNING.

CCD

Z-00-51

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RCS# 2319
8/18/08
9:36 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 08-O-1464,1465,1466,1467,1468,1469,1470
08-O-1471,1472
REFER ZRB/ZONE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Hall | NV Fauver | NV Martin | Y Norwood |
| Y Young | Y Shook | B Maddox | Y Willis |
| Y Winslow | Y Muller | Y Sheperd | NV Borders |

MULTIPLE